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Attorney for Southeast Wyoming Juvenile Center

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO)
)
Southeast Wyoming Juvenile Center) DOCKET NUMBER 5603-15
Attn: Mr. Jack Enright)
3304 East I-80 Service Road)
Cheyenne, Wyoming 82009)

**APPEAL OF SOUTHEAST WYOMING JUVENILE CENTER FROM
NOTICE OF VIOLATION AND ORDER**

Protestant Southeast Wyoming Juvenile Center, also known as Southeast Wyoming Juvenile Services, LLC, a Wyoming limited liability company ("SWJC"), by and through its undersigned legal counsel, appeals to the Wyoming Environmental Quality Council with respect to the Notice of Violation and Order issued herein, and as grounds for its appeal would show the Council that:

1. The name and address of the Protestant making the protest is:

Southeast Wyoming Juvenile Center
a/k/a Southeast Wyoming Juvenile Services, LLC
Att: Michael Harling
Municipal Capital Markets Group, Inc.
4851 LBJ Freeway, Suite 200
Dallas, TX 75244

The name and address of Protestant's attorney is:

Steven F. Freudenthal
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129 East Carlson Street
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2. The decision/order upon which a hearing is requested is the Notice of Violation and Order in Docket No. 5603-15 dated May 26, 2016 ("Order"); specifically, the sampling and compliance dates ordered under Sections 1 and 2 of the Order.

3. The Order sent to SWJC was postmarked June 21, 2016 and received by SWJC on June 24, 2016.

4. The Order requires SWJC to: (a) provide a sampling and analysis plan for future collection of groundwater quality samples and a plan for submission of monitor reports in accordance with UIC Permit 11-075 ("Permit") by June 25, 2016 (within 30 days of the Order); and (b) collect groundwater quality samples by July 25, 2016 and provide results of the analyses by August 24, 2016. By virtue of when SWJC received the Order, compliance with those dates cannot be reasonably met.

5. SWJC owns the Jeffrey C. Wardle Academy ("Facility"), a juvenile treatment and detention facility located in Laramie County, Wyoming. The Facility was financed by a Senior Lien Industrial Development Revenue Bond in the

principal amount of \$8,555,000 issued by Laramie County, Wyoming under date of December 29, 2009 ("Laramie County Bonds"). The Facility was designed to accommodate 100 residents, and the Permit issued September 6, 2011 authorizes the injection of up to 4,500 gallons per day of domestic sewage into the Ogallala aquifer.

6. The Wyoming Department of Family Services issued a license to operate the Facility in the name of Cornerstone Programs Corporation ("Cornerstone") for approximately sixty residents. In 2014, Cornerstone and SWJC determined to separate their business relationship with respect to the Facility.

7. In August 2014, the septic system was pumped by B&B Sewer of Cheyenne, Wyoming. Until the temporary closure of the Facility on December 20, 2014, the maximum number of residents after August 2010 did not exceed ten. The sampling and monitoring reports required under the Permit were last performed in December 2014, and submitted under a letter to the Wyoming Department of Environmental Quality advising that the Facility was temporarily closing down for a period of time. Since December 2014, the water system to the Facility has been shut down, and the only activity has been physical maintenance and security of the Facility.

8. The ownership and scope of operation of the Facility is being restructured to accommodate up to forty residents with a remodel of the Facility expected to commence in August 2016, and operations to resume in November 2016.

9. Until operations resume, no material injections under the Permit will occur.

10. Meaningful sampling, analysis and submission of monitoring reports can only occur in conjunction with the remodel and reopening of the Facility.

WHEREFORE, SWJC prays for the following relief:


A. that a hearing be held before the Wyoming Environmental Quality Council ("EQC");

B. that the compliance dates ordered under Sections 1 and 2 of the Order be modified to use the commencement date of the remodel of the Facility as the starting point; and

C. that the EQC grant such other and further relief as may be lawful and proper.

Dated this 29th day of June, 2015.

Southeast Wyoming Juvenile
Center

BY: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct courtesy copy of the foregoing was served upon the following by first class U.S. mail, certified, return receipt requested, as indicated below on this 29th day of June, 2016.

Chairman
Environmental Quality Council
Room 1714
Herschler Building, 1st Floor West
122 West 25th Street
Cheyenne, WY 82002

Todd Parfit, Director
Wyoming Department of Environmental Quality
200 West 17th Street, 4th Floor
Cheyenne, WY 82002


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